

STATE OF MCHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES

Before the Commissioner of the Office of Financial and Insurance Services

In the matter of:

Neuell Jack Allen
System ID #0075074

Enforcement Case No. 06-4894

Respondent
_____ /

Issued and entered
on 19 March, 2007
Frances K. Wallace
Chief Deputy Commissioner

CONSENT ORDER AND STIPULATION

A. FINDINGS OF FACT AND CONCLUSIONS OF LAW

It is alleged that the following statements are true and correct:

1. At all pertinent times, Neuell Jack Allen ("Respondent"), System ID #0075074, was a licensed resident insurance producer authorized to transact the business of insurance in the State of Michigan with qualification in property and casualty.
2. As a licensed resident producer, Respondent knew, or had reason to know, that Section 1239(1)(h) of the Code provides that the commissioner may place on probation, suspend, and revoke an insurance producer's license for using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.
3. As a licensed resident producer, Respondent knew, or had reason to know, that Section 1239(1)(d) of the Code provides that the commissioner may place on probation, suspend, and revoke an insurance producer's license for improperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business.
4. As a licensed resident producer, Respondent knew, or had reason to know, that Section 1207 of the Code provides that an agent shall be a fiduciary for all money received or held by the agent in his or her capacity as an agent. Failure by an agent in a timely manner to turn over the money which he or she holds in a fiduciary capacity to the

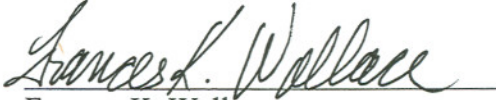
persons to whom they are owed is prima facie evidence of violation of the agent's fiduciary responsibility. Further, an agent shall use reasonable accounting methods to record funds received in his fiduciary capacity.

5. On or about October 17, 2005, Mary Wilkinson completed an application for an appearance bond for her son, Matthew, with FreeBird Bail Bond Agency.
6. Philip Profitt of FreeBird Bail Bond Agency issued a document titled "Plain Talk" to Mary Wilkinson on October 17, 2005, that served as a receipt for a cashier's check in the sum of \$16,650.00 for the cash collateral. The \$16,650.00 was dispersed accordingly: Bond \$15,000.00, the premium owed to Financial Casualty & Surety: \$1,500.00 and Mr. Profitt assessed a fee of \$150.00.
7. On or about December 21, 2005, the 22nd District Court issued an Order Discharging Surety from bond for Matthew Wilkinson. The Respondent sent the insurer a copy of the check from FreeBird Bail Bond Agency and Neuell Jack Allen – Bail Agent, dated December 28, 2005 in the amount of \$15,000.00 and payable to Mary Wilkinson.
8. On or about March 13, 2006, the Respondent sent a cashier's check payable to Mary Wilkinson in the sum of \$2,000.00. Mary Wilkinson endorsed the check and noted on the back of the check, "not payment in full owes \$13,000.00 still."
9. On or about March 29, 2006, the Respondent sent Mary Wilkinson the second installment, a cashier's check in the sum of \$2,000.00 issued by the Respondent payable to Mary Wilkinson.
10. On or about March 30, 2006, the Respondent sent Mary Wilkinson the third installment, a cashier's check in the sum of \$3,000.00 issued by the Respondent payable to Mary Wilkinson.
11. On or about April 3, 2006, the Respondent sent Mary Wilkinson the fourth installment, a cashier's check in the sum of \$2,000.00 issued by the respondent payable to Mary Wilkinson.
12. On or about April 8, 2006, Mary Wilkinson received the fifth and last installment, a cashier's check in the sum of \$6,000.00 payable to Mary Wilkinson.
13. By failing to promptly return the \$15,000.00 cash collateral, as required by the Order discharging surety from the bond signed by the Judge, the Respondent violated Sections 1207, 1239(1)(d) & (h) of the Code.

B. ORDER

Based on the findings of fact and conclusions of law above and Respondent's stipulation, it is **ORDERED** that:

1. Respondent shall immediately cease and desist from operating in such a manner as to violate Sections 1207 and 1239(1)(d) and (h) of the Michigan Insurance Code.
2. Respondent's license and authority are hereby **REVOKED**.



Frances K. Wallace